

There is no enforcement mechanism built into the rule. They are just saying: Make us follow the rule. You can't make us, so we are not going to follow it. We know it is a rule—we voted for it, and it passed with enormous bipartisan support. It is a rule of the Senate, but we just choose not to follow it because we get too much advantage out of secret holds. Senate rules don't really apply to us unless you can make us follow them.

That is a sad place for the Senate to be, if that is where we are on this issue. But there are only two alternatives. The other one is that they still have holds, but it is not a hold by the same Senator who had the hold when the unanimous consent was asked for and, therefore, he has, under the rule, relinquished his hold. But what he has done is gone and found another Senator and gotten that other Senator to take up the hold for him. That has been called a couple of things on the Senate floor. It has been called the hold switcheroo.

For those of us who are prosecutors, it looks a lot like money laundering. It is hold laundering. The person who has the real principal and interest with the hold has gotten someone else to aid and abet their scheme to interrupt the process of nominations and to violate the rules by taking on the hold for them and allowing them to dodge the rule. That is not a great way of doing business either.

So whether we have a direct and outright willful violation of the Senate rules—massive violation of the Senate rules—or a scheme to hold-laundry—to get people to aid and abet you in your secret hold and dodge the rule that way—neither is a great situation. So we need to fix the rules so this cannot continue. But it is a sad reflection on the use of the secret hold that we are in a circumstance now where the only two possible sets of facts are those two. It just plain isn't right.

If you are here as a Senator, you should follow the rules of the Senate. If you are not prepared to do that, find something else to do. There are plenty of people who would love to serve here. To find another Senator to put a sham hold in to protect your hold so that you can dodge this rule is, frankly, unscrupulous. That is something that, if you could figure out who it was and you could get them in front of a jury and make that case, oh boy. But we don't have the enforcement mechanism. So we have to continue.

But let me tell you who I was going to be asking for. There are two judges for the Fourth Circuit, Albert Diaz and James Wynn. They are a Republican and a Democrat. They are paired for appointment. They cleared the Judiciary Committee with only one opposing vote. One was unanimous and the other was everybody but one. They have been on the calendar now for weeks, and I would like to ask unanimous consent, but I am informed that because there are no Senate Republicans in Washington I am unable to do that right

now. But they have been on the calendar for many weeks and there is no reason for them not to be confirmed.

The following judicial candidates, or nominees for a judgeship, are also pending: Jon E. DeGuilo to be a U.S. district judge for the Northern District of Indiana; Audrey Goldstein Fleissig to be a U.S. district judge for the Eastern District of Missouri; Lucy Haeran Koh to be a U.S. district judge for the Northern District of California; Tanya Walton Pratt to be a U.S. district judge for the Southern District of Indiana; Jane E. Magnus-Stinson to be a U.S. district judge for the Southern District of Indiana; Brian Anthony Jackson to be a U.S. district judge for the Middle District of Louisiana; Elizabeth Erny Foote to be a U.S. district judge for the Western District of Louisiana; Mark A. Goldsmith to be a U.S. district judge for the Eastern District of Michigan; Marc T. Treadwill to be a U.S. district judge for the Middle District of Georgia; Josephine Staton Tucker to be a U.S. district judge for the Central District of California; Gary Scott Feinerman to be a U.S. district judge for the Northern District of Illinois; and Sharon Johnson Coleman to be a U.S. district judge for the Northern District of Illinois.

All of these candidates are waiting. They are on the calendar, all pending, all cleared with either unanimous or very strong votes out of the Judiciary Committee, and all blocked. Yet I believe all are supported by Republican Senators from their home States. These are all district judges.

This is a judge who sits in a local district within a State. These are not people who are setting national policy. These are people who are handling local trials, local motions practice, local Federal court litigation.

If you have the support of your two home Senators, and if you have cleared the Judiciary Committee, that ought to be pretty simple. That ought to be pretty simple. But they are being held, and they are being held for a reason. They are being held because, if the Republicans can force the Democrats to burn floor time, it takes floor time away from the work we need to do to rebuild our economy. It takes floor time away from the work we need to do to clean up Wall Street. It takes floor time away from the bills we need to pass to fund our troops overseas. It takes floor time away from our ability to do the work of governing. It is obstruction, pure and simple.

Because there are only so many hours in a day, there are only so many days in a week, and only so many weeks in a month, it is a zero sum game. You take time and make us spend it on these judges, and it is time we can't spend on floor work on the necessary legislation we have to get through. That is why we see these strange votes where we have cloture demanded and all that procedure; and then when the vote is finally taken we have 98 to 0 or where we have had 100

to 0. Why go through all that trouble when we end on a vote of 98 to 0 or 100 to 0? It is because there are ulterior motives. It is to burn the floor time of the Senate and to give the leader less and less time to accomplish the things that we need to accomplish.

So I can go through many other names, but I will not do that now. I will await the return of a Republican Member of the Senate to Washington so that somebody can be on the floor of the Senate to either object or not object to these nominees. I would hope at this point that we will find they do not object. That would be consistent with the rule.

If they have been on the calendar this long, if they have had their unanimous consent objected to, if the 6 days have run and if nobody has come up and actually said they have a hold on that person, then a unanimous consent ought to pass. Under the rule, a unanimous consent ought to pass. If it doesn't, it is a sign that they are either flatout violating the rule or that they have done this hold laundering scheme with a colleague to dodge out from under the rule. I think neither is credible and we need to work our way through this process. So on the next possible occasion, I will be doing that.

I thank the Presiding Officer for his courtesy and his time. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTHER'S DAY

Mr. BYRD. Mr. President, this Sunday, May 9, is Mothers Day in the United States.

Many European nations have long observed "Mothering Sundays," which are also part of the liturgical calendar in several Christian denominations. Catholics observe Laetare Sunday, the fourth Sunday in Lent, in honor of the Virgin Mary and the "mother" church. Some historians believe the tradition of sending flowers on Mothers Day grew out of the practice of allowing children who worked in large houses that day off to visit their families. The children would pick wildflowers to take to their mothers on their way home for the visit. The ancient Greeks celebrated the Vernal Equinox with a springtime festival devoted to Cybele,